

Remarks

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and the following remarks. Claims 4-7 and 14-26 are pending in the application. Claims 4-7 and 14-26 are rejected. No claims have been allowed. Claims 6, 7, and 14 are independent. Claims 4, 5, and 19 have been canceled. Claims 6, 7, and 14 have been amended.

Cited Art

The Action cites:

Herz et al., U.S. Patent No. 5,758,257 (hereinafter “Herz”);
Wood, U.S. Patent Publication No. 2002/0054752 (hereinafter “Wood”);
Alexander et al., U.S. Patent No. 6,177,931 (hereinafter “Alexander”);
Yoshinobu, U.S. Patent No. 5,734,444 (hereinafter “Yoshinobu”);
Smith, U.S. Patent No. 5,933,141 (hereinafter “Smith”);
Daniels, U.S. Patent Publication No. 2002/0032907 (hereinafter “Daniels”); and
Okada, U.S. Patent No. 7,095,949 (hereinafter “Okada”).

Claim Rejections under 35 U.S.C. § 112

The Action rejects claims 4 and 5 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant’s representative thanks the Examiner for finding this oversight.

Claim Rejections under 35 U.S.C. § 103(a)

The Action rejects claims 6, 14-18, 20, and 21 under 35 U.S.C § 103(a) as unpatentable over Herz in view of Wood in view of Alexander and further in view of Yoshinobu.

The Action rejects claim 7 under 35 U.S.C § 103(a) as unpatentable over Herz in view of Wood in view of Alexander and further in view of Yoshinobu and further in view of Smith.

The Action rejects claim 19 under 35 U.S.C § 103(a) as unpatentable over Herz in view of Wood in view of Alexander and further in view of Yoshinobu and further in view of Daniels.

The Action rejects claims 22-26 under 35 U.S.C. § 103(a) as unpatentable over Herz in view of Wood in view of Alexander and further in view of Yoshinobu and further in view of Okada.

Claim 1 has been amended to overcome the prior art of record. In particular, claim 1 has been amended to emphasize that pause commands actually interrupts delivery from the head end. Support for this amendment can be found at page 8, lines 7-14. By contrast, Daniels does not interrupt delivery from the head end. Instead, the head end continues transmitting and Daniels teaches to record that transmission. In particular, Daniels describes the following at Paragraph [0083]:

In other words, if the viewer of a television program were to leave the room, the first recording means 14 is activated to record that selected portion of the time sequential signal received during the viewer's absence. Upon returning, the viewer activates the playing-back means 18 to retrieve at the selectable interval (the viewer's return), the recorded selected portion of the time sequential signal recorded in the first recording medium 16 during the viewer's absence. The playing-back means 18 produces a play back signal from this recorded time sequential signal portion so that the viewer can view the television program where he or she left off. While the viewer is viewing the time shifted portion of the television program, a second recording means 20 records in a second recording medium 22 another selected portion of the time sequential signal.

Thus, claim 1 overcomes Daniels and the other prior art of record and the refusal of the application should be reversed.

Claim 7 also requires pausing one of the television programs by sending a pause command to the interactive head-end to interrupt delivery of the program. As described above, Daniels actually teaches away from interrupting delivery by, instead, recording the continued delivery.

Claim 14 requires "instructions for pausing a television program by sending a pause command to an interactive head-end to interrupt delivery of the television program." Again, Daniels teaches recording a television program from the head-end, not pausing the actual transmission from the head end.

Moreover, dependent claim 15 requires the following: "instructions for monitoring the user's viewing habits to determine a ranking of viewed broadcast video programs by viewing

frequency; instructions for copying to the storage medium plural programs that are not viewed by the user when broadcast, in accordance with said ranking.” The Examiner cites Yoshinobu Col. 11, line 64 through Col. 12, line 14. Yoshinobu merely records based on frequency, but does not provide a ranking of any kind. Additionally, Yoshinobu does not teach copying programs that are not viewed in accordance with said ranking.

The remaining dependent claims depend from the independent claims and should be in condition for allowance for the reasons stated above.

Interview Request

If the claims are not found by the Examiner to be allowable, the Examiner is requested to call the undersigned attorney to set up an interview to discuss this application.

Conclusion

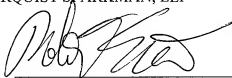
The claims in their present form should be allowable. Such action is respectfully requested.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

By



Robert F. Scotti
Registration No. 39,830